

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU LLC,
Plaintiffs,

v.

MARK ZUCKERBERG, EDUARDO SAVERIN,
DUSTIN MOSKOVITZ, ANDREW MCCOLLUM,
CHRISTOPHER HUGHES, and FACEBOOK,
INC.,
Defendants.

CIVIL ACTION NO. 1:04-CV-11923
(DPW)

MARK ZUCKERBERG, and FACEBOOK, INC.,
Counterclaimants,

v.

CONNECTU LLC,
Counterdefendant,
and
CAMERON WINKLEVOSS, TYLER
WINKLEVOSS, and DIVYA NARENDRA,
Additional Counterdefendants.

**CORRECTED DECLARATION OF I. NEEL CHATTERJEE IN SUPPORT OF
DEFENDANTS' BILL OF COSTS**

I, I. Neel Chatterjee, declare:

1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel for Defendants Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, Christopher Hughes, and The Facebook, Inc. (collectively, the “Facebook Defendants”). I make this Declaration in support of Defendants’ Bill of Costs. I am an active member in good standing of the California State Bar, and I am admitted to appear *pro hac vice* before this court.

2. I make this declaration pursuant to 28 USC § 1919 *et seq.* in support of Defendants’ Bill of Costs filed in this action. Orrick has represented the Facebook Defendants in this action since approximately May 2005, and first billed the Facebook Defendants for costs by invoice dated July 15, 2005. Prior to that time, Heller Ehrman LLP represented the Facebook Defendants and Eduardo Saverin in the above-captioned action. Heller’s representation started in approximately September, 2004. In approximately May 2005, Heller’s representation of all Defendants, with the exception of Eduardo Saverin, ended. Heller first billed Defendants in this action for costs by invoice dated October 11, 2004. The law firm Holland & Knight LLP represented, as local counsel, the Facebook Defendants and Eduardo Saverin in the above captioned action in approximately September, 2004. Holland first billed Defendants in this action for costs by invoice dated November 9, 2004. In approximately May 2005, Holland’s representation of all Defendants, with the exception of Eduardo Saverin, ended. Proskauer Rose LLP began representing the Facebook Defendants as local counsel in this action beginning in about June 2005 and first billed the Facebook Defendants for costs by invoice dated September 9, 2005. By virtue of my work in this matter since approximately May 2005, I am familiar with the costs Defendants have incurred in this action. The costs set forth in the Bill of Costs are correctly stated, and were necessarily incurred.

3. Defendants' costs, as reflected on the itemization of costs, for the period of September 2004 to February 2007 are based on records maintained by Heller's accounting department in the ordinary course of business. I am informed and believe, the costs listed on Defendants' Bill of Costs were necessarily incurred in this action. Attached hereto as **Exhibit A** are true and correct copies of invoices for these costs.

4. Defendants' costs, as reflected on the itemization of costs, for the period of October, 2004 to January, 2007 are based on records maintained by Holland's accounting department in the ordinary course of business. I am informed and believe, the costs listed on Defendants' Bill of Costs were necessarily incurred in this action. Attached hereto as **Exhibit B** are true and correct copies of invoices for these costs.

5. Defendants' costs, as reflected on the itemization of costs, for the period of May 2005 to February 2007 are based on records maintained by Orrick's accounting department in the ordinary course of business. I am informed and believe, the costs listed on Defendants' Bill of Costs were necessarily incurred in this action. Attached hereto as **Exhibit C** are true and correct copies of invoices for these costs.

6. Defendants' costs, as reflected on the itemization of costs, for the period of June 2005 to February 2007 are based on records maintained by Proskauer's accounting department in the ordinary course of business. I am informed and believe, the costs listed on Defendants' Bill of Costs were necessarily incurred in this action and are allowable by law. Attached hereto as **Exhibit D** are true and correct copies of invoices for these costs.

7. Each of the four law firms – Heller, Holland, Orrick, and Proskauer — generated bills from a computerized system. I am informed and believe, that each disbursement is recorded in the regular course of business at or near the time the cost is incurred, and is

reflected on the next invoice generated following the date of the disbursement.

8. Defendants' accounting department paid some of the remaining costs directly. I am informed and believe, based on the vendor invoices attached hereto and my familiarity with the litigation, that costs listed on Defendants' Bill of Costs were necessarily incurred in this action. Attached hereto as **Exhibit E** are true and correct copies of invoices directly paid by Defendants.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 12, 2007 in Menlo Park, California.

/s/ I. Neel Chatterjee /s/

I. Neel Chatterjee

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on April 12, 2007.

Dated: April 12, 2007.

/s/ I. Neel Chatterjee /s/

I. Neel Chatterjee

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